

North Andover Conservation Commission Meeting Minutes
July 8, 2015

Members Present: Louis A. Napoli, Chairman, Joseph W. Lynch, Jr., Albert P. Manzi, Jr., Sean F. McDonough.

Members Absent: Douglas W. Saal, Vice Chairman, John T. Mabon, Deborah A. Feltovic.

Staff Members Present: Jennifer A. Hughes, Conservation Administrator, Donna M. Wedge Conservation Secretary.

Pledge of Allegiance

Meeting came to Order at: 7:49 PM Quorum Present.

Approval of Minutes 5/13/15

- A motion to accept the meeting minutes of 5/13/15 as drafted is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.

Public Meeting: 7:50 PM

Small Projects

NACC#150, 100 Campbell Road

- The Administrator states the applicant is proposing to connect to sewer and abandon the existing septic system. The proposed connection is outside of the 25-foot No-Disturbance zone and approximately 40-foot from Bordering Vegetated Wetland. Erosion controls should be required.
- A motion to accept this project as a small project 4.4.2L is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.
- A motion to approve the project as proposed with conditions for erosion control (silt sock), and pre and post construction inspections is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.

Documents:

- *Application Checklist-Small Project*
- *Small Project Procedures*
- *Copy of Town Check*
- *Letter prepared by Borachez Septic and Drain dated July 1, 2015*
- *Aerial Photo's prepared by Richard Shorter dated July 1, 2015*
- *Aerial Photo's prepared by Richard Shorter dated July 1, 2015*
- *Photos prepared by North Andover Conservation Department dated June 2, 2015*

NACC#151, 976 Turnpike Street

- The Applicant Peg Graveline of JEM Property Group, LLC is present.
- The Administrator presents the proposal to crush the existing septic tank which is approximately 90-foot from Bordering Vegetated Wetland. There is also debris in the buffer zone that needs to be removed.
- Ms. Graveline states she was unaware of the dumping and will have it removed. She also presents trees overhanging the house she would like to remove.
- Mr. Lynch asks if all of the trees are in mowed lawn.
- Ms. Graveline states they are.
- A motion to accept this as a small project 4.4.2L is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.
- A motion to approve the small project as proposed with additional approval for tree removal and conditions for a post-construction inspection and wetland markers at the 25' No-Disturb Zone is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote unanimous.

Documents:

- *Application Checklist-Small Project*
- *Small Project Procedures*
- *Copy of Town Check*
- *Septic Upgrade Plan prepared by Sullivan Engineering Group, LLC dated June 22, 2015*
- *Photos prepared by North Andover Conservation Department dated July 8, 2015*

Request for Determination of Applicability

209 Vest Way (Zawadzki)

- The Conservation Commission waives the reading of the legal notice. No abutters present.
- The administrator presents the need for the after the fact approval of a patio and the proposal to install a retaining wall and regrade the yard. Driveway repair is also proposed.
- Mr. Lynch asks if the regraded area will be lawn after.
- Mr. Zawadzki confirms.
- Mr. Lynch states the wall should be on one side or other of the wall but not in the retaining wall.
- Mr. McDonough asks where the fence will go.
- Mr. Manzi states this will need a condition concerning the fence and the fence must be drawn on the record plan.
- A motion to issue negative determination #3 & #6 with conditions for erosion controls, pre and post construction inspections and installation of wetland markers is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form I-Request for Determination of Applicability*
- *Project Description*
- *Signatures and Submittal Requirements*

- *Copy of Town Check*
- *Photos prepared by Sylvia Zawadzki dated June 23, 2015*
- *Notification to Abutters Form*
- *Certified Abutters List dated May 28, 2015*
- *Plan to Accompany a Request for Determination of Applicability prepared by Williams & Sparages dated June 25, 2015*

21 Jetwood Street (Reis)

- The applicant Paulo Reis of 21 Jetwood Street is present.
- Mr. Napoli recuses himself.
- The Conservation Commission waives reading of the legal notice. No abutters present.
- The Administrator presents the proposal to install an above-ground pool approximately 50' from the wetland. She reviewed the delineation in the field.
- The Commission asks that the pool be staked in the field for the Conservation Department to review at the preconstruction.
- A motion to issue a negative determination #5 & #6 with conditions requiring that the pool be staked in the field and a pre and post construction inspection is made by Mr. Lynch, seconded by McDonough.
- Vote 3-0-1 (Mr. Napoli abstained)

Documents:

- *Application Checklist-Request for Determination of Applicability*
- *WPA Form I-Request for Determination of Applicability*
- *Project Description*
- *Copy of Town Check*
- *Signatures and Submittal Requirements*
- *Notification to Abutters Form*
- *Certified Abutters List dated June 29, 2015*
- *USGS Map dated June 26, 2015*
- *NHESP Map dated June 26, 2015*
- *North Andover MIMAP Aerial Map dated June 26, 2015*

Notice of Intent (NOI)

242-1651, Olde Salem Village Condos (Key-Lime, Inc.) (Hayes Engineering, Inc.) (cont. from 6/24/15)

- Administrator states the applicant requests a continuance to the July 22, 2015 meeting.
- A motion to grant the request for a continuance to the July 22, 2015 meeting is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

Document:

- *E/Mail prepared by Hayes Engineering, Inc. requesting a continuance to the July 22, 2015 meeting dated July 8, 2015*

242-1654, 110 Farnum Street (Burns) (Merrimack Engineering Services, Inc.)

- The applicants John and Eileen Burns are present.
- The Conservation Commission waives reading of the legal notice. No abutters present.
- The Administrator reviews the proposal to replace a failed septic system replacement with a new system. Wetlands were discovered after the system was designed. The delineation has been reviewed. Portions of the piping are in the 25' No-Disturb Zone. A waiver has been requested.
- Mr. Lynch asks if the house can be replumbed to have the piping come out the front?
- Mr. Burns states the basement is finished.
- Mr. Napoli asks about piping around the other side of the house since it will be disturbed for construction access?
- Mr. Burns states there is a change in grade and it would need to go under the driveway.
- The commission agrees there is no feasible alternative for the piping.
- A motion to issue the waiver request as presented is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.
- A motion to close and issue a decision within 21 days is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.

Documents:

- *Application Checklist-Notice of Intent*
- *WPA Form 3-Notice of Intent*
- *General Information*
- *Waiver Request*
- *Signatures and Submittal Requirements*
- *Applicant Information*
- *NOI Wetland Fee Transmittal Form*
- *Notification to Abutters Form*
- *Certified Abutters List dated June 26, 2015*
- *NHESP Map dated June 26, 2015*
- *USGS Map dated June 26, 2015*
- *Locus Map dated June 1, 2015*
- *Upgrade Plan of Subsurface Sewage Disposal System prepared by Merrimack Engineering Services, Inc. dated June 1, 2015*

**242-1653, Boxford Street (Water Line) (Messina Development Company, Inc.)
(Christiansen & Sergi, Inc.) (cont. from 6/24/15)**

- The applicant Robert Messina of Messina Development Company, Inc. and Philip Christiansen of Christiansen & Sergi, Inc. are present.
- The Administrator states the commission is still waiting for the NHESP letter.
- The commission agrees they can close and draft the conditions and not issue until the letter arrives.
- A motion to issue close and issue a decision within 21 days was made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Waterline Extension for Wellington Woods Plan prepared by Christiansen & Sergi, Inc. dated June 9, 2015, revised June 16, 2015, revised June 17, 2015*
- *Letter prepared by Division of Fisheries & Wildlife dated July 9, 2015*

**242-1634, 50 Royal Crest Drive (Pond redesign) (AIMCO North Andover, LLC)
(Cornerstone Land Consultants, Inc.) (cont. from 6/24/15)**

**242-1635, 50 Royal Crest Drive (off Site Inlet) (AIMCO North Andover, LLC)
(Cornerstone Land Consultants, Inc.) (cont. from 6/24/15)**

- The administrator states these items were on the agenda in error. Both have already been continued to the 7/22/15 meeting.

General Business: 8:15PM

242-1111, PCOC Request, 210 Chickering Road (Unit 108A) (Tomlinson & Hatch, LLC)

- The Administrator reviews the request for a PCOC on a unit at Kittredge Crossing. Two other PCOCs have been granted. The entire complex was very close to a COC several years ago.
- The commission discusses the prior COC request for Kittredge Crossing.
- A motion to issue the PCOC for 210 Chickering Road (Unit 108A) only is made by Mr. Lynch, seconded by Mr. McDonough.
- Vote unanimous.

Documents:

- *Letter prepared by Tomlinson & Hatch, LLC Attorneys at Law dated June 26, 2015*
- *WPA Form 8A-Request for Partial Certificate of Compliance*

242-1544, Request Partial Bond Release, 26 Main Street (Jeffco, Inc.)

- Administrator states that due to the lack of quorum on this issue it will need to be continued to the next meeting.
- A motion to grant the request for a continuance to July 22, 2015 meeting is made by Mr. McDonough, seconded by Mr. Lynch.
- Vote 3-0-1 (Mr. Manzi abstained)

242-273, PCOC Request, 40 North Cross Road (Lot 3) (OToole)

- The applicant Edward O'Toole is present.
- The Administrator states that Lot 3 is non-jurisdictional lot and there are no violations on the property.
- A motion to issue the PCOC for 40 North Cross Road (Lot 3) only is made by Mr. Lynch, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *WPA Form 8A-Request for Partial Certificate of Compliance*
- *Subdivision Plan of Land prepared by Merrimack Engineering Services, Inc. dated November of 1984, revised June of 1985*

242-257, PCOC Request, 44 Laconia Circle (Lot1A) (Copani, Tarlow & Cranney Attorneys at Law) (cont. from 6/24/15)

- Anthony A. Copani of Copani, Tarlow & Cranney is present.
- The Administrator presents the as-built discrepancy of a driveway turnaround partially in the 25' No-Disturb Zone.
- The Commission discusses the time period in which the driveway turnaround was built. Commission concludes turnaround was built prior to the bylaw and subzone setbacks.
- A motion to issue a PCOC to 44 Laconia Circle (Lot 1A) only is made by Mr. Lynch, seconded by Mr. Manzi.
- Vote unanimous.
- **Documents:**
- *Letter prepared by Copani, Tarlow & Cranney Attorneys at Law dated December 8, 2014*
- *WPA Form 8A-Request for Partial Certificate of Compliance*

242-333, PCOC Request, 44 Laconia Circle (Lot 1A) (Copani, Tarlow & Cranney Attorneys at Law) (cont. 6/10/15)

- See above.
- A motion to issue the PCOC for 44 Laconia Circle (Lot 1A) only is made by Mr. Lynch, seconded by Mr. Manzi.
- Vote unanimous.

Documents:

- *Letter prepared by Copani, Tarlow & Cranney Attorneys at Law dated December 8, 2014*
- *WPA Form 8A-Request for Partial Certificate of Compliance*

Election of Officers

- A motion to nominate Louis A. Napoli as Chairman, North Andover Conservation Commission is made by Mr. Manzi, seconded by Mr. Lynch.
- Vote unanimous.

Bylaw Regulations Revisions (cont. from 6/24/15)

- Administrator states no time to work with Eggleston Environmental on this yet.
- A motion to grant the request for a continuance to July 22, 2015 meeting is made by Mr. Lynch, seconded by Mr. Manzi.
- Vote unanimous.

Enforcement Order Update

105 Massachusetts Avenue (F. P. Reilly & Sons) (cont. from 6/24/15)

- Administrator states a site visit has been set up for Thursday with the chairman.

80 Saile Way (Russell)

- Administrator states she spoke with DEP and they would like the commission to reissue the Enforcement Order and extend the deadline one more time.
- A motion to ratify the new Enforcement Order with extension to comply with restoration planting plan is made by Mr. McDonough, seconded by Mr. Manzi.

- Vote unanimous.

Decisions

242-1652, 242 Dale Street

- Administrator reviews the drafted Order of Conditions.
- The Commission accepts the Order of Conditions as drafted.
- A motion to accept the Order of Conditions as drafted is made by Mr. Manzi, seconded by Mr. McDonough.
- Vote unanimous.

242-1653, Boxford Street

- Administrator reviews the drafted Order of Conditions.
- The Commission accepts the Order of Conditions as amended.
- A motion to accept the Order of Conditions as amended is made by Mr. Lynch, seconded by Mr. Manzi.
- Vote unanimous.

242-1654, 110 Farnum Street

- Administrator reviews the drafted Order of Conditions.
- The Commission accepts the Order of Conditions as drafted.
- A motion to accept the Order of Conditions as drafted is made by Mr. McDonough, seconded by Mr. Manzi.
- Vote unanimous.

A motion to adjourn the meeting at: 8:45 PM is made by Mr. McDonough, seconded by Mr. Manzi.

Vote unanimous.